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OFFICE OF PETITIONS

In re Application of
Andrew Baird
Application No. 09/934,131
Filed: March 17, 2003
Attorney Docket No. 56578-308425

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NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (571) 272-3201.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Paper No. 6

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MAR 07 2005

OFFICE OF PETITIONS

In re Application of
Andrew Baird
Application No. 09/934,131
Filed: March 17, 2003
Attorney Docket No. 8802-0045

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ON PETITION

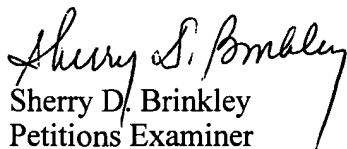
This is a decision on the petition under 37 CFR 1.137(b), filed August 16, 2004, to revive the above-identified application.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed September 25, 2001, requiring an executed oath or declaration under 37 CFR 1.63 and the surcharge under 37 CFR 1.16(e). A Notice of Abandonment was mailed October 28, 2003. In response, the present petition was filed, as well as an executed declaration and the requisite surcharge.

The petition is **GRANTED**.

The application is being returned to the Office of Initial Patent Examination (OIPE) for further processing using the declaration filed August 16, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: FAEGRE & BENSON LLP
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